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**Section 10.0 of NHDES CONTAMINATED SITES
RISK CHARACTERIZATION AND MANAGEMENT POLICY
(RCMP)**

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10.0: Remedial Action Completion

10.1: Purpose

This Section establishes requirements and procedures for: 1) determining when remedial actions are completed, and 2) documenting the activities and information necessary to support a Certificate of Completion or a Certificate of No Further Action.

10.2: General Provisions for Completion of Remedial Actions and Site Closure

- (1) NHDES has the statutory authority under RSA 147-F to issue two types of certificates to document that certain stages of the remedial action process have been completed.
 - (a) A Certificate of Completion is issued when the active components of the RAP have been completed and the performance standards specified in the RAP and/or the Groundwater Management Permit have been achieved. A RAP Completion Report must accompany the request for issuance of a Certificate of Completion and must meet the requirements of Section 10.5.
 - (b) A Certificate of No Further Action is issued when the site does not require significant additional oversight by NHDES, the RAP has been completed and the Groundwater Management Permit has been terminated. A request for a Certificate of No Further Action must meet the requirements specified in Section 10.6.
- (2) Remedial actions must be completed in accordance with the requirements of an approved RAP (Env-Ws 410.23), this section and schedules approved by NHDES. If the remedial action does not achieve the performance standards contained in the RAP and the

Groundwater Management Permit, a modified RAP will be implemented in accordance with NHDES approved schedules, this section and applicable state rules and regulations.

- (3) At all sites where groundwater quality exceeds GW-1 standards, the following actions must be taken prior to Completion of a remedial action:
- (a) If a source area is present, the source must be either treated, removed or contained. Additionally, the dissolved portion of the plume must be evaluated against the criteria listed in Env-Ws 410.24 to determine:
 - 1. if active treatment of groundwater is required to restore groundwater quality or contain groundwater contamination; or
 - 2. if groundwater quality may be restored by natural attenuation to AGQS.
 - (b) Groundwater exceeding GW-1 standards must be contained within a Groundwater Management Zone (GMZ) delineated and established in accordance with Env-Ws 410.
 - (c) A Groundwater Management Permit must be obtained to monitor groundwater quality within and at the boundary of the GMZ.

10.3: Certificate of Completion

- (1) A Certificate of Completion certifies that:
- (a) the activities specified in an approved RAP have been completed and the performance standards specified in the RAP and Groundwater Management Permit have been achieved;
 - (b) any necessary Activity and Use Restrictions have been implemented;
 - (c) any monitoring requirements are being met; and
 - (d) all fees and costs due under RSA 147-F have been paid.
- (2) A Certificate of Partial Cleanup can be provided prior to the issuance of a Certificate of completion at the discretion of the NHDES. The purpose of a Certificate of Partial Cleanup is to document that substantial progress has been made toward the implementation of a RAP. Examples of remedial action milestones that might qualify for a Certificate of Partial Cleanup are as follows:
- (a) the completion of a key phase of activity (e.g., source removal);
 - (b) the completion of the remedial action at a key portion of the site;
 - (c) the implementation of any necessary Activity and Use Restrictions.

10.4: Certificate of No Further Action

- (1) A Certificate of No Further Action certifies that:
- (a) no further investigation, remediation or other actions are required;
 - (b) any necessary Activity and Use Restrictions have been implemented or no further Activity and Use Restrictions are required;
 - (c) any monitoring requirements necessary to implement an Activity and Use

Restriction are being met or no monitoring requirements are required; and
(d) all fees and costs due under RSA 147-F have been paid.

- (2) A Certificate of No Further Action is issued for sites where remedial actions, site investigations, risk characterization or monitoring activities have determined that:
- (a) The sole source of a site's risk is due to contaminated groundwater migrating from an upgradient property (see R.S.A Chapter 266 or SB 532 for additional details); or
 - (b) Sources of on-site contamination have been sufficiently addressed to conclude that:
 - (1) Sources of contamination which could result in an increase in concentrations of contaminants in an environmental medium, either as a consequence of a direct discharge or through inter-media transfer of contamination, do not exist (Note: The downgradient leading edge of a plume of one or more contaminants dissolved in and migrating with groundwater is not, in and of itself, considered a source of contamination);
 - (c) contaminant concentrations in soil are below the applicable Soil Standards (Method 1, 2 or 3 standards developed for the site) or exposure to contaminated soil is managed by a NHDES approved Activity and Use Restriction; and
 - (d) contaminant concentrations in groundwater are in compliance with GW-1 standards and any existing groundwater management permit terminated.

10.5: Content of Completion Reports for Certificates of Partial Completion and Completion

- (1) A Completion Report for a Certificate of Completion or Certificate of Partial Completion must include, at a minimum, the following:
- (a) the site name, address and NHDES Site Number(s);
 - (b) for response actions where a threat of release has been abated, the Method(s) (Methods 1, 2, or 3) used to characterize the risk of harm posed by the site to human health and the environment;
 - (c) the relationship of the requested certificate to any other certificate that has been filed for the site or portion thereof, if applicable, together with a statement as to whether any additional remedial actions are needed for any other portions of the site;
 - (d) when the active components of an approved RAP have not achieved applicable Soil and Groundwater Standards, a discussion must be provided on how compliance with the standards will be achieved (e.g., natural attenuation and Activity and Use Restrictions) and demonstrated (e.g., plans for future groundwater monitoring and/or soil sampling).
 - (e) a discussion of an Activity and Use Restriction implemented at the site.
- (2) Except where previously submitted, all documentation, plans and/or reports necessary to support the Completion Report must be submitted to NHDES and must include the following:
- (a) a clear and accurate description of the location of the site or the location and

boundaries of the site or portion of the site to which the Completion Report applies. Such description must reference, to the extent practicable, the location of the site, and location and boundaries of the site or portion thereof relative to permanent or semi-permanent landmarks, and/or surveyed boundaries;

(b) a demonstration that all uncontrolled sources have been eliminated or controlled;

(c) information supporting the conclusion that no substantial hazards remain at the site;

(d) a copy of any and all Activity and Use Restrictions which have been implemented;

(e) a description of any operation, maintenance, and/or monitoring that will be required to confirm and/or maintain those conditions at the site upon which the remedial action is based; and

(3) For all remedial actions where applicable Soil and Groundwater Standards have not been achieved the Completion Report must include the following:

(a) a modified remedial action plan, if additional active remedial measures are required;

(b) a description of any additional steps that will be taken, including monitoring and Activity and Use Restrictions, to ensure site conditions that are protective to human health and the environment.

(c) a periodic evaluation of the remedial action must be conducted in accordance with a schedule approved by NHDES until such time that a Certificate of No Further Action has been attained.

10.6: Content of Request for a Certificate of No Further Action

(1) A Request for a Certificate of No Further Action must include, at a minimum, the following:

(a) the site name, address and NHDES Site Number(s);

(b) Method(s) (Methods 1, 2, or 3) used to characterize the risk of harm posed by the site to human health and the environment;

(c) A summary of the most recent groundwater and soil quality results and a comparison of the results to applicable Soil and Groundwater standards (Method 1,2 or 3 standards derived for the site);

(d) for a site where a remedial action was conducted, information supporting the conclusion that the response actions have achieved applicable Soil and Groundwater Standards;

(e) indication as to whether the Request for a Certificate of No Further Action is based upon the implementation of an Activity and Use Restriction, and if so, the type of Activity and Use Restriction implemented at the site.

(f) the relationship of the Request for a Certificate of No Further Action to any Certificate of Completion that has been filed for the site or portion thereof, if applicable, together with a statement as to whether any additional response actions are needed for any other portions of the site;

(2) Except where previously submitted, supporting documentation, plans and/or reports necessary to support the Request for a Certificate of No Further Action must be submitted to NHDES and must include the following:

- (a) a clear and accurate description of the location of the site or the location and boundaries of the site or portion of the site to which the Request for a Certificate of No Further Action applies. Such description must reference, to the extent practicable, the location of the site, and location and boundaries of the site or portion thereof relative to permanent or semi-permanent landmarks, and/or surveyed boundaries;
- (b) a copy of any and all Activity and Use Restrictions which have been implemented; and
- (c) a description of any monitoring that will be required to confirm and/or maintain those conditions at the site upon which the Request for a Certificate of No Further Action is based.